

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Snyder, et al.

Conf. No.: 1863

Application No.: 10/821,745

Examiner: Ghali, Isis

Filed: April 9, 2004

Art Unit: 1611

For: SUSTAINED RELEASE SURGICAL DEVICE AND
METHOD OF MAKING AND USING THE SAME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Patent Owner hereby appeals to the Board from the decision of the Examiner, mailed May 25, 2010, finally rejecting claims 11 and 21-39.

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Please be advised that no fee is believed to be due at this time because the notice of appeal fee of \$270.00 was previously paid with the Pre-appeal brief that was filed on August 25, 2010.

3. EXTENSION OF TERM

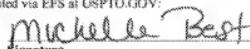
The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

CERTIFICATION OF TRANSMISSION

I hereby certify that, on the date shown below, this correspondence is being filed via EFS at USPTO.GOV:

Date: October 22, 2010


Signature

Michelle Best
(type or print name of person certifying)

4. TOTAL FEE DUE

No fee is due at this time.

5. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1097.

Respectfully submitted,

Date: October 22, 2010

Customer No. 25215



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